



Sen. James F. Clayborne Jr.

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09500SB2105sam002

LRB095 19521 MJR 48890 a

1 AMENDMENT TO SENATE BILL 2105

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2105, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Public Utilities Act is amended by changing  
6 Section 16-115 as follows:

7 (220 ILCS 5/16-115)

8 Sec. 16-115. Certification of alternative retail electric  
9 suppliers.

10 (a) Any alternative retail electric supplier must obtain a  
11 certificate of service authority from the Commission in  
12 accordance with this Section before serving any retail customer  
13 or other user located in this State. An alternative retail  
14 electric supplier may request, and the Commission may grant, a  
15 certificate of service authority for the entire State or for a  
16 specified geographic area of the State.

1           (b) An alternative retail electric supplier seeking a  
2 certificate of service authority shall file with the Commission  
3 a verified application containing information showing that the  
4 applicant meets the requirements of this Section. The  
5 alternative retail electric supplier shall publish notice of  
6 its application in the official State newspaper within 10 days  
7 following the date of its filing. No later than 45 days after  
8 the application is properly filed with the Commission, and such  
9 notice is published, the Commission shall issue its order  
10 granting or denying the application.

11           (c) An application for a certificate of service authority  
12 shall identify the area or areas in which the applicant intends  
13 to offer service and the types of services it intends to offer.  
14 Applicants that seek to serve residential or small commercial  
15 retail customers within a geographic area that is smaller than  
16 an electric utility's service area shall submit evidence  
17 demonstrating that the designation of this smaller area does  
18 not violate Section 16-115A. An applicant that seeks to serve  
19 residential or small commercial retail customers may state in  
20 its application for certification any limitations that will be  
21 imposed on the number of customers or maximum load to be  
22 served.

23           (d) The Commission shall grant the application for a  
24 certificate of service authority if it makes the findings set  
25 forth in this subsection based on the verified application and  
26 such other information as the applicant may submit:

1           (1) That the applicant possesses sufficient technical,  
2           financial and managerial resources and abilities to  
3           provide the service for which it seeks a certificate of  
4           service authority. In determining the level of technical,  
5           financial and managerial resources and abilities which the  
6           applicant must demonstrate, the Commission shall consider  
7           (i) the characteristics, including the size and financial  
8           sophistication, of the customers that the applicant seeks  
9           to serve, and (ii) whether the applicant seeks to provide  
10          electric power and energy using property, plant and  
11          equipment which it owns, controls or operates. An applicant  
12          may demonstrate satisfactory financial qualifications by  
13          providing a copy of a Dun & Bradstreet Information Report  
14          that demonstrates, at a minimum, that and applicant has a  
15          Composite Credit Appraisal of 3 or lower and a PAYDEX score  
16          of 70 or higher. If the applicant does not have a Dun &  
17          Bradstreet Composite Credit Appraisal, then the applicant  
18          may provide a copy of an Experian Small Business  
19          Intelliscore report that demonstrates, at a minimum, that  
20          the applicant has an Intelliscore of 63 or higher. At the  
21          time of application for either certification or  
22          recertification, the report shall be no more than 30 days  
23          old. This method of demonstrating financial qualification  
24          shall be in addition to any other method adopted by the  
25          Commission;

26           (2) That the applicant will comply with all applicable

1 federal, State, regional and industry rules, policies,  
2 practices and procedures for the use, operation, and  
3 maintenance of the safety, integrity and reliability, of  
4 the interconnected electric transmission system;

5 (3) That the applicant will only provide service to  
6 retail customers in an electric utility's service area that  
7 are eligible to take delivery services under this Act;

8 (4) That the applicant will comply with such  
9 informational or reporting requirements as the Commission  
10 may by rule establish and provide the information required  
11 by Section 16-112. Any data related to contracts for the  
12 purchase and sale of electric power and energy shall be  
13 made available for review by the Staff of the Commission on  
14 a confidential and proprietary basis and only to the extent  
15 and for the purposes which the Commission determines are  
16 reasonably necessary in order to carry out the purposes of  
17 this Act;

18 (5) (Blank);

19 (6) With respect to an applicant that seeks to serve  
20 residential or small commercial retail customers, that the  
21 area to be served by the applicant and any limitations it  
22 proposes on the number of customers or maximum amount of  
23 load to be served meet the provisions of Section 16-115A,  
24 provided, that the Commission can extend the time for  
25 considering such a certificate request by up to 90 days,  
26 and can schedule hearings on such a request;

1           (7) That the applicant meets the requirements of  
2           subsection (a) of Section 16-128; and

3           (8) That the applicant will comply with all other  
4           applicable laws and regulations.

5           (e) A retail customer that owns a cogeneration or  
6           self-generation facility and that seeks certification only to  
7           provide electric power and energy from such facility to retail  
8           customers at separate locations which customers are both (i)  
9           owned by, or a subsidiary or other corporate affiliate of, such  
10          applicant and (ii) eligible for delivery services, shall be  
11          granted a certificate of service authority upon filing an  
12          application and notifying the Commission that it has entered  
13          into an agreement with the relevant electric utilities pursuant  
14          to Section 16-118. Provided, however, that if the retail  
15          customer owning such cogeneration or self-generation facility  
16          would not be charged a transition charge due to the exemption  
17          provided under subsection (f) of Section 16-108 prior to the  
18          certification, and the retail customers at separate locations  
19          are taking delivery services in conjunction with purchasing  
20          power and energy from the facility, the retail customer on  
21          whose premises the facility is located shall not thereafter be  
22          required to pay transition charges on the power and energy that  
23          such retail customer takes from the facility.

24          (f) The Commission shall have the authority to promulgate  
25          rules and regulations to carry out the provisions of this  
26          Section. On or before May 1, 1999, the Commission shall adopt a

1 rule or rules applicable to the certification of those  
2 alternative retail electric suppliers that seek to serve only  
3 nonresidential retail customers with maximum electrical  
4 demands of one megawatt or more which shall provide for (i)  
5 expedited and streamlined procedures for certification of such  
6 alternative retail electric suppliers and (ii) specific  
7 criteria which, if met by any such alternative retail electric  
8 supplier, shall constitute the demonstration of technical,  
9 financial and managerial resources and abilities to provide  
10 service required by subsection (d) (1) of this Section, such as  
11 a requirement to post a bond or letter of credit, from a  
12 responsible surety or financial institution, of sufficient  
13 size for the nature and scope of the services to be provided;  
14 demonstration of adequate insurance for the scope and nature of  
15 the services to be provided; and experience in providing  
16 similar services in other jurisdictions.

17 (Source: P.A. 95-130, eff. 1-1-08.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."